



## FISCAL MEMORANDUM

### HB 1 - SB 1

February 7, 2023

**SUMMARY OF BILL AS AMENDED (003694):** Prohibits a healthcare provider from knowingly performing, administering, or offering to perform or administer, a medical procedure for the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor's biological sex, or treating purported discomfort or distress from a discordance between the minor's biological sex and asserted identity. Creates an exception for medical procedures used to treat a minor's congenital defect, precocious puberty, disease, or physical injury, or if the performance or administration of the medical procedure began prior to July 1, 2023 and concludes on or before March 31, 2024. Prohibits a person from knowingly providing a hormone or puberty blocker to a minor if the provision of the hormone or puberty blocker is not in compliance with the proposed legislation.

Authorizes a civil cause of action against a healthcare provider or any other person alleged to have violated the proposed legislation. Requires such action be brought within 10 years from the date the minor reaches 18 years of age, or from the date of the minor's death if the minor dies. Authorizes the parent or next of kin of a minor to bring a wrongful death action against a healthcare provider, under certain conditions.

Requires the Attorney General and Reporter (AG) to establish a process for reporting violations. Authorizes the AG to bring an action against a healthcare provider or any person for a knowing violation. Authorizes a civil penalty of up to \$25,000 for each violation, to be paid into the General Fund. Establishes that a violation of the proposed legislation by a healthcare provider constitutes a potential threat to public health, safety, and welfare and requires emergency action by an alleged violator's appropriate regulatory authority.

Applies to actions occurring on or after July 1, 2023.

### FISCAL IMPACT OF BILL AS AMENDED:

#### NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 63-1-169, hormone treatment for gender dysphoric or gender incongruent minors in Tanner state 1 development is prohibited.
- The proposed legislation prohibits any medical procedure on a minor for the purpose of enabling the minor to identify with, or live as, a purported identity inconsistent with the

minor's sex, or treating purported discomfort or distress from a discordance between the minor's sex and asserted identity.

- Any civil action brought against a medical professional, healthcare entity, or other individual or entity is assumed to be borne of a private party.
- This legislation will not significantly impact courts' caseloads.
- The AG can establish a process for reporting suspected violations and bring any actions against healthcare providers utilizing existing personnel and resources.
- There is not estimated to be a significant number of civil penalties assessed for performing prohibited procedures.
- The proposed legislation will not have a significant impact on the policies or procedures of the Department of Health.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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